

The Honorable Marc Barreca
Chapter 13
Hearing Date: October 7, 2010
Hearing Time: 9:30 AM
Hearing Location: US Courthouse, Seattle WA
Response Due: September 30, 2010

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE:

GREGORY W. RISTAU and LOURDES
RISTAU,

Debtor(s).

Case No. 08-16105-MLB

Chapter: 13

DEBTOR'S OBJECTION TO
SPECIALIZED LOAN SERVICING,
LLC, CLAIM NUMBER 2; WITH
NOTICE OF HEARING

Gregory W. Ristau and Lourdes Ristau ("Debtors"), by and through their attorneys,
Christina Latta Henry and Seattle Debt Law, LLC, have filed an objection to your claim(s) in his
bankruptcy case.

**Your claim(s) may be reduced, modified, or eliminated. You should read these
papers carefully and discuss them with your attorney, if you have one.**

PLEASE TAKE NOTICE that Debtors' Motion for Objection to Claim(s) IS SET FOR
HEARING as follows:

JUDGE:	The Honorable Marc Barreca
PLACE:	United States Bankruptcy Court, 700 Stewart Street, Room 7106, Seattle, WA 98101
DATE:	October 7, 2010
TIME:	9:30 AM
RESPONSE DATE:	September 30, 2010

DEBTOR'S OBJECTION TO SPECIALIZED LOAN
SERVICING, LLC, CLAIM NUMBER 2; WITH NOTICE
OF HEARING
(08-16105-MLB) - 1

SEATTLE DEBT LAW, LLC
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1 creditor's authorized agent because SLS has failed to attach a power of attorney to its proof of
2 claim, establishing its authority to act on behalf of the creditor. *See Exhibit A.* Moreover, the
3 Proof of Claim is signed by Allysa Gallegos on behalf of Corey M. Robertus, both presumably as
4 employees of Moss Codilis, LLP. *See id.* However, neither signor has established his or her
5 authority to act for SLS or the creditor. Finally, the Deed of Trust used in the Proof of Claim
6 was altered after Debtors signed their copy and before being recorded at the King County
7 Recorder's Office, thus casting doubt on the Note's true owner and the actual creditor. *See*
8 *Declaration of Gregory W. Ristau and Lourdes Ristau in support of their Objection to Claim*
9 *Number 2.*

10 Moreover, Debtor objects to the proof of claim because "Exhibit A: Itemization of Total
11 Debt and Arrearages as of the Time of Filing" includes fees and charges that are spurious and
12 duplicative. *See Exhibit A.* For example, the fee for "Property Inspections and Preservations," in
13 the amount of \$51.95, is substantially similar to the "Property Appraisal Costs," in the amount of
14 \$100.00; and the claim for "Payment Late Charges," in the amount of \$822.48, duplicates the
15 claim for "Accrued Late Charges," in the amount of \$925.29. Finally, the claim for "Other
16 Unpaid Fees," in the amount of \$135.00, lacks specificity.

17 Therefore SLS' claim should be disallowed because SLS has not provided adequate
18 documentation establishing its authority to act on behalf of the creditor-in-fact; and because the
19 claim includes charges that are spurious and duplicative.

20 DATED this 2nd day of September, 2010.

21 SEATTLE DEBT LAW, LLC

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23 By: /s/ Christina Latta Henry
24 Christina Latta Henry, WSBA #31273
25 Attorneys for Debtor
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